

Chesapeake City  
Planning and Zoning Commission  
Minutes June 3, 2009

Bob Hirschfeld-Absent  
Nick Visser  
Harry Sampson-Absent  
Bill Miners, Chair  
Lee Hutton  
Rich Taylor  
Frank Vari  
Tom Wheeler, Zoning Inspector

Attached list of attendees

Bill Miners brought the meeting to order at 6:30 pm followed with the Pledge of Allegiance.

**Public Announcements: None**

**Approval of minutes from May 6, 2009**

**Motion:** Rich Taylor made a motion and Nick Visser seconded to approve the minutes from May 6, 2009 with corrections to the punctuation. All in favor; motion carried.

**Staff Reports:**

**Tom Wheeler, Zoning Inspector** – Report attached in Minutes Book

**Action Items**

- **Sign – File No: 050509A Geracimos Investments LLC**

**Motion:** Rich Taylor made a motion and Frank Vari seconded to approve the application to install (2) non-illuminated flat panels 43” x 96” with painted background and vinyl graphics, including aluminum angle roof frame painted to match roof. All in favor; motion carried.

- **Sign- File No: 050509B Geracimos Investments LLC**

**Motion:** Nick Visser made a motion and Rich Taylor seconded to approve the application to install (1) non-illuminated roof sign not to exceed 32 sq ft, with painted background and applied graphics, included aluminum angle roof framed painted to match roof. All in favor; motion carried

- **File No: 0528209 Landscaping signs**

**Motion:** Rich Taylor made a motion and Frank Vari seconded to approve landscaping beautification signs on 15 of the town’s landscaped areas . All in favor, motion carried.

- **File No: 052909 Revised Preliminary Plot Plan-Chesapeake Village**

**Motion:** Rich Taylor made a motion and Nick Visser seconded, to approve the revised preliminary plot plan that was presented in the May 20<sup>th</sup> workshop (workshop minutes transcribed and attached). All in favor, motion carried.

**Discussion Items:**

- **Comprehensive Plan & Spirit 213**

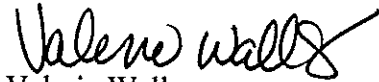
To include the Spirit 213 plan into the Comprehensive plan would be an additional \$5K-\$7K in costs, whereas in 2-3 years down the road the costs would be between \$3K-\$5K. It was agreed to wait to save the additional funds.

- 400 Biddle Street – Keith Baynes, Legal Counsel Opinion read:  
“In my opinion this fence would be considered a non-conforming "situation" vs. a non-conforming "structure" since per the ordinance this fence is not a structure. The ordinance also permits and encourages repairs and improvements to non-conforming situations. It is my opinion that since the new fence is located in the exact location of the original fence and also since the new fence is the same height as the original fence, that the actions of the Zoning Inspector were proper.”

Lee Hutton: For the record, I disagree on the opinion.

**Motion:** Rich Taylor made a motion and Nick Visser seconded to adjourn. All in favor, motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Valerie Walls", with a stylized flourish at the end.

Valerie Walls  
Clerk/Treasurer

## **CHESAPEAKE CITY PLANNING COMMISSION**

### **Workshop Minutes**

**May 20, 2009**

i. Call to Order & Pledge of Allegiance

ii. Discussion items:

1. Scheduled Planning and Zoning Public Hearing for Draft Comprehensive Plan July 7, 2009 at 6:30 p.m. Once Planning and Zoning presents it there is a 30 day that the public has time to get back to us with their comments and then it goes to Town Council.

2. Dean Geracimos – on Monday night Dean did this presentation again at the Library and Commissioner Hodge was there, Joanne Richard Young was there from the County and Brandy Burwell from USDA. We are going to talk with Brandy about possible grants or loans or whatever they have available to connect to the high school and she sounded very helpful and indicated that they may be some money available to help us connect to the high school. Along with that, the reason for the e-mail in front of you, Dean was very much anxious for us to talk about doing a slight expansion to our growth area to include the west side of Basil Avenue. Right now we have the island between 213 and Basil. We have a strip on the east side of 213 he is anxious to make sure they include the properties on the west side of Basil Avenue. Just so it gives more credence to the fact that we want to run water and sewer down that way to the high school. So Commissioner Hodge was very support of that idea and he said that if that is something we are interested in we should do that and not let our consultant talk us out of doing that. That would have to come because our comprehensive plan draft hearing is for July 7<sup>th</sup>. We would need to get in touch with Chris very quickly to see if he is able to do that or basically direct him to do that and it looks like it is a fairly simple matter of changing the color of their properties and moving the growth line. I don't imagine the County has even had a chance to look at them. Commissioner Hodge said just amend it and submit to the County again and don't worry about the State or the County. It is your plan you decide where that line should be. Dean is talking about the west side of Basil. Right now it is east side of Basil to 213. The addition would probably have to be village commercial because the projected uses along there would still be residential uses but it could be a TND situation where someone wants a shop on the lower level and apartments above and

something like that but there is not any discussion of putting any heavy retail like that. There are already commercial properties along there consistent with the current zoning. To go on the west side of Basil is simply to give more opportunity to run water and sewer down there. Our line would have to be moved by a couple hundred feet. Just to get a consensus of the planning and zoning board here do you think we should go ahead and incorporate those properties on the west side of Basil. It would be worth a phone call from Bill Miners to Chris at URS to pursue incorporating the west side.

3. Chesapeake Village – Preliminary Plan by CNA

**Presenter:** Representatives of the plan are present tonight. The plan that we have to this point are most of the approvals. I think we are waiting on storms and drains, water and sewer sign off, (inaudible) Our plats are finished so we are ready for that step. My understanding that because there has been some time lapsed and I was not at the meeting when my client presented the parking lot and the additional units in January. My understanding is that was a conditional approval and that we need to come back in front of you to get reapproved since so much time has gone by. At least that was my understanding. But again, if the plan has not changed at all we're just working through the approval process. We are ready to complete it at this point.

**Board Member:** Do you have a goal for breaking ground?

**Presenter:** My client is waiting for this market to do something. All indications are that it is getting a little bit better. As far as a firm date, I couldn't give you that. Obviously, we would all like to move as quickly as possible. But we all understand the economic climate that we're in.

**Board Member:** It sounds like you are real close with the stuff for the County.

**Presenter:** We are still waiting for State highway approvals, both entrances have been approved.

**Board Member:** Are you planning to come to us at our next actually scheduled meeting?

**Presenter:** That is one of the things I wanted to discuss with you tonight is that yes we are prepared to do that. We need the Town to sign off on the water and sewer and roads and drains plans which are completed. It is my understanding that all the comments have been addressed and approved.

**Board Member:** Chris, URS, saw an onion skin overlay, I'm not sure he has seen the parking lot finished.

**Presenter:** We did a workshop right after we got back involved again with this client and came in and talked to you about whether or not we had to go back again with what was approved and what wasn't, if I remember correctly.

**Board Member:** I'm pretty sure that URS did review it, I believe we have a punch list of everything from URS already. I have it in a briefcase if you would like to have it. One thing I think you had to change was the 50 foot landscape buffer and it looks like it's clear on here.

**Presenter:** Remember we came in and decided we had a couple different options, do we want to increase the landscape buffer or do we want to increase the parking, yes that has changed. URS has certainly been involved in the review in the engineering plans all the way through.

**Board Member:** You actually have more parking here than we expected, because when you went from a 10 foot buffer to a 50 foot buffer we thought you were going to lose a lot of spaces and it looks like you haven't lost those spaces.

**Presenter:** Right, we have been very creative in trying to get the parking spaces that I know the Town wanted as well as retain the units in terms of even things like we have this little detached garage because we wanted to retain this back here. It makes it a little interesting too trying to keep the TND requirements.

**Board Member:** We still have the alleyways pretty much all the way through except the one section of single homes. So we still have no garages facing the street with the exception of two houses.

**Presenter:** We do have this detached garage coming in off of here.

**Board Member:** The number never changed, does it say here what we end up having?

**Presenter:** The total count is 150 total units, I think it is 100 condos and 28 townhouses. (22 SFD)

**Board Member:** The way I understand it is because we went for a full year where nothing happened that's why we are reviewing it again.

**Presenter:** To be honest I really am not sure exactly why I'm back in front of you but we received a letter from the Town that said that we needed to go back in front of the planning commission for reapproval of the preliminary plan and it was suggested that we be here for the workshop.

**Board Members:** That was my understanding too because it has been a year. It's been over a year since we approved what we had to start with and we never saw anything with the parking lot on it, and never saw these plans in the condition they are in right now. The last time we approved it there was an overlay of the parking lot and things got moved around. That's

the reason the town manager sent the letter out. She did not have the full planning design.

**Presenter:** I think we questioned that early on and I don't know what happened with that. I know we came in several times to discuss the parking and the landscape buffer and things like that. There was a little bit of lag time between when you folks approved it and when my client actually got us back going on the project. So we probably lost several months there and it has taken the rest of the time just to go through all the engineering issues. And get all the approvals.

**Board Members:** This one house that has the garage facing the street, is there anyway you can reposition that house on that lot. I don't think that's going to hold the whole job up but you know someone is going to pick on that. The contention of the whole Board was that was one of the things that we really were sticklers about. Having the alleyways in the back and having everything rear related.

**Presenter:** This is a very interesting but also very challenging concept.

**Board Member:** I have a question, is the majority of traffic, is this going to be the main entrance and most of the foot flow will be down here, even though there is a connection here or do you think its going to be here.

**Presenter:** I don't know, they are going to take the path of least resistance.

(Too many voices to the conversation.)

**Board Member:** So this is your only connection here. And it is going to depend where you work. If they go on 213 to work then they are going to probably go this way and if they go over the Summit Bridge, then they will probably go that way.

**Presenter:** Obviously, this is not going to be built overnight with this many units and especially with the economy being the way it is.

**Board Member:** You had Phase I and Phase II before. Is there still Phase I and Phase II, one side compared to the other side.

**Presenter:** I think that has been clumped all together. This was always Phase I and this was Phase II. We ended up going back and redesigning the whole thing and we probably will end up going with many phases versus I and II.

**Board Member:** How about the sewer crossing of Wolfe Creek. Is that still hanging on the bridge.

**Presenter:** Oh, no, that's a good point. The preliminary plan still shows it at the bridge. Actually, in the engineering drawings that we worked

out it is going to come down Second Street. That was a big delay in negotiations back and forth.

**Board Member:** Is there still some flexibility on the location of that bridge. Is there a possibility that it could tie in with Third Street instead.

**Presenter:** The only reason that that was there was just because that was where we had worked it out before. Our MDE permit shows it here. We would have to modify that.

**Frank Hill:** We asked or discussed at a previous meeting relocation of it to line up with Third Street and the other one towards Wolfe Creek instead of having it all the way at the end. Why have a sidewalk all at the end when you have a street that's just a little ways up and the footbridge down further where it's more convenient for people to walk from the individual homes across this little spur going down here and then to cross the other bridge at Third Street.

**Presenter:** This was a negotiation with the State to cross at the narrow point. We would have to get reprove from the State for more impact across here. We could possibly modify later. It is not going to be the first thing built.

**Board Member:** It is my understanding that this is just a preliminary plan. When you come to us with a final plan and we give you final approval and it still shows it here then it would be a lot more work to do it later so what Frank is saying can you at least make some calls and try to see if we can get it moved and have those ready for final approval.

**Presenter:** That is a plat issue, and when we're here for final plat do you want it shown on the final plat.

**Board Member:** How soon do you think you'll be here with the final plat?

**Presenter:** I can be here tomorrow with it if you want? (Laughter)

**Frank Hill:** Let me address that point. We have not yet started Public Works agreement with CNA. That's going to take several months at the very least, to get it all defined, all the utilities defined, how it's going to work. We have discussed in previous meetings, that when we first approved the concept plan at 102 units we had the hookups. It went to 150 units and because of the time lapse between now and 3 or 4 years ago, a lot of those EDU's that we had that we talked about for this have been eaten up. Plus, the calculation and all that, they do that every couple of years. So a public works agreement has to be completely worked out on this. They said that they are not going to be able to build this all at one time so we don't have to provide all the hookups all at one time. But we have to work it out as to how many EDU's are available and how we can phase those in over no doubt it's

going to be a period of years. So, you know, we have to work that out through this public works agreement.

**Board Member :** You're saying you want a public works agreement taken care of prior to these guys seeking final plat approval.

**Frank Hill:** It has to be finished before the final plat is approved.

**Board Member:** Back to moving that bridge, is there a sidewalk on Third Street?

**Frank Hill and Board Members:** There is not a sidewalk on Third Street at this time.

**Board Member:** Is the Town going to be willing to put one in there?

**Frank Hill:** The Town's not going to put one in, no.

**Board Member:** Because you're asking people to walk over a bridge onto a road. They are not going to know where to go.

**Frank Hill:** If you walk around Chesapeake City many times, you know how busy the streets are. I see your point.

**Board Member:** At the moment the bridge has no sidewalk but they are walking into a park. They can cross into the park and then cross over another road if you stick to the other end.

**Frank Hill:** Regardless of where this bridge is you are going to have to walk along the street because there is no sidewalk along here at all. Either around Ferry Slip Road or up Third Street, in order to get to the sidewalk on Second Street you have to cross over the road. Now, if these gentlemen would like to be very kind to us they can put sidewalks in which is something you can ask for. Let's face it, if they are going to sell 150 homes it's nice to have sidewalks.

**Presenter:** My concern with moving the bridge is getting the approvals. It would be up to the State Board.

**Board Members:** If you can do it you do it. Let me bring this point up, if you get rid of the one here by Wolfe Creek because it's so close to the bridge we could move the other down.

Discussion on eliminating the bridge: Maybe the State Highway would put in a handicap pedestrian crossing there. Sharon said that the State Highway is coming for a workshop soon. We talked with the State Highway people last Thursday and we talked about a crosswalk there and at the marina. They said when the developer is constructing that road just have them go ahead and put the crosswalk in. Opinion: is the Wolfe Creek bridge that important.



**Presenter:** So where is the one bridge that you are proposing instead? (location pointed to) My only request to that is I don't want to have to change these plans over and over again. This has gone on forever.

**Board Members:** To eliminate that one bridge down there at Second Street and just make that a crossing there coming out to Second Street is safer than just having it sit there.

Instead of redrawing this whole drawing you would like to go in front of us and get final plat approval.

**Presenter:** I'd like to get it all finalized. That approval is almost part of the construction administration process.

**Board Member:** Then that would be something you would have to come back to us to amend. Amend our final plat approval.

**Presenter:** I have no problem with that.

**Board Member:** Amendment would be to get rid of the Wolfe Creek crossing and move this one down to where it's easier for people instead of walking all the way around.

**Presenter:** I just have a feeling that if we change something like that it's going to take longer and six months down the road again trying to straighten out the bridge thing. I don't think it's a problem at least asking and I can't guarantee they will approve it, but I think it's practical and makes sense to eliminate one crossing or combine them to one crossing.

**Board Members:** Back to the original way before you even got involved where it crossed before up at Third Street made sense because that for a lot of people it was a straight shot but now it's so close to Second Street that I really think it's a waste of time and money.

Your other option is to eliminate this bridge and move the other one. The whole walkway here is only about 240 feet. Could that be accomplished with a really nicely decorated culvert with a path and then focus the bridge, is that a possibility, like a stone culvert.

**Presenter:** Anything is possible it's just a matter of what the Corp sees it as.

**Board Member:** The Corp is going to see it as a critical area no matter what you do.

**Presenter:** I've gone through three reviewers in the State since we started this project already and each time has to re-educate that one as to what's going on with project. Each time it's lost probably eight months and probably several thousand dollars just getting them back up to speed. I really prefer not to have to do that again. I don't think we have asked a lot on this project (inaudible) because I think we would probably be on the forth reviewer by this time.

**Board Member:** In your opinion then if you came to us once you get your other stuff from the County and you come to us for the final plat approval you would like to keep it like this. We're talking about breaking ground might be this year might be next year, we don't know. Once you break ground you might be with this phase over here and then want to incorporate those bridges so that when we come to that point then you will come to us for an amendment.

**Presenter:** Yes, once we get to the point where the pathway and the bridge and everything is going to be constructed I think that will be the time to go back and look at it.

**Board Member:** You're saying that the thing with the State, if you start again will the State hold you up eight months.

**Presenter:** We already have the permits to do two crossings. If we go back to them for one crossing they would amend the permit.

**Board Member:** So it wouldn't be that much trouble for you later on. It's the State that is really the main issue, the Corp of Engineers probably won't even look at it. Why is the Corp involved?

**Presenter:** It's a joint issue with the Corp and the State. Probably because it involves jurisdiction Wolfe Creek because of drainage off the levis. They mainly want to know what the impacts are.

**Board Members:** I think what the planning board wants here is to go with one crossing. He really doesn't want to go through this whole process again. He would like to come in front of us with a final plat approval. It can be changed later. When we do a final plat approval we can make a recommendation that the crossings are still up in the air. We have already approved all of this before and it might be a little late in the game now but there are an awful lot of town houses here compared to single family units. We do have two new board members here that weren't here back when this was all approved. Either of these two fellows have even seen this plan and in the past here we've been approving a lot of developments in town and a lot of them are townhouses, and here we are approving two thirds of this project with townhouses.

You have to remember we compromised a lot of singles too to get the driveways and the parking lot. A lot of that happened when we put the parking lot in. The parking lot was a big concern to us to get the parking lot in. I would like to have a few comments from the two members of the board.

New member: Have you submitted any concepts of what these townhouses would look like or diversity of plans of townhouses.

**Presenter:** No, only way back when Ryan Homes submitted their plans when they were going to be the builder.

**Board Member:** Is that something that would be brought to us at final approval, will we have a picture that we can look at and say we like the looks of that or we don't like the looks of that. So once we get a final approval we're stuck with what you guys want to put up there.

**Presenter:** We have your new architectural standards and we will abide by all of that and one thing for the new members to recognize is that when we're talking about town homes, these are pretty big units here. This is a more high rent stuff this isn't standard town homes.

**New Board Member:** Do you envision diversity and a lot of different kinds, because I mean, town homes by themselves are compared equal if they are done nicely. (More discussion on appearance of other town homes).

Can you keep in mind that this is for now and since this is TND zoning especially the ones across from the parking lot would lend themselves to offices or retail?

We have about 400 residences now in the whole town and this will increase that by twenty-five percent. This is going to be the biggest increase that the Town has ever seen. So we really want it done right and my only concern about bringing up the townhouses is that as long as we can have stuff like what Bob was saying like roofline pitches, porches and different colors, different designs. Once we approve it we have townhouses here with only the size, but when you guys come to us and say we are ready for phase I that's the point we can say we want some diversity here. We want to look at something different. We don't want them to all look alike and we will not issue permits until you guys come up with a better looking plan. We do have that option. This is definitely a step above what we have already approved out here at Bridge Point. (Discussion about townhouses in Ocean City, Maryland and their diversity and quality)

Do you two new members have any other questions? No, it's up there with some of the better ones that I have seen, so I would like to see some of the notes and approvals of what has been previously done. I like the concept of alleyways in the back and the TND quality.

So as far as we know you will be coming through with a final plat soon you think once you get your other approvals from the County. We do have to get a public works agreement and a final from URS on their issues.

**Presenter:** Is this considered a workshop. Do we need to come back in? Or is this final at this point?

**Board Members:** We can't vote on this at this meeting. This is a workshop. Once you get your other approvals you can come in for a final plat, but like Frank was saying we need a signed public works agreement before you come in for final plat approval.

Should he come to the meeting and get this preliminary approved? This will have to be reapproved. He never had preliminary approval with the parking lot. He will have to go back to a regular meeting and a vote. Okay, so, our next meeting will be the first Wednesday in June, two weeks from now.

**Presenter:** I'm not trying to beleaguer the issue, but at your January 2<sup>nd</sup> meeting there was a motion to approve the Concept and Preliminary Plans.

*\*Attached to this transcript are the minutes from January 2, 2008 meeting.*

**Board Member:** You will have to come to us for final plat approval. Getting back to the Town, you are real close, but the public works agreement will probably be the biggest holdup.

**Frank Hill:** I think it's going to take some time because we are going to have to work out some kind of phasing. Like I said, we cannot give you approval for 150 units at this time. We are going to have to do that over a period of time and that all has to be in the public works agreement.

**Board Member:** Once they fix that sewer down on Third or Second Street that's going to bring our EDU's back up again and give some more capacity. That will all be part of the public works agreement. Right now, our engineer will say okay you can build 40 houses now and once you fix that sewer line you can build another 40 or something.

**Frank Hill:** What we need to is work it out over a period of time because we do not have the hookups available at this time. We will have to phase it in as they become available.

**Board Member:** 60 lots, it looks like it breaks down 50 single families in towns and then 10 packs of condos. So you are going to have to have condo docs for those 10 lots. Has that process been started yet?

**Frank Hill:** Yea, there will have to be some kind of condo agreement, home owner's association, which will have to be provided also. And that will be written into the public works agreement, that before any condos are built the home owners association will have to be recorded with the Secretary of State office.

**Board Members:** Our zoning ordinances don't allow home owners association. What they can have is a maintenance agreement like Shipside

has where they can all contribute to common maintenance, but it's not a formal home owners association.

**Frank Hill:** That's why it all has to be ironed out. We don't want to have people moving into condos and everybody's doing everything different and the outsides of the places are falling down and nobody's going to spend any money because their neighbors don't spend any money. All that's got to be worked out. What areas and common areas and things like that.

**Board Member:** This is a little bit different from Dean's because yours are not going to be fee simple lots for these condos. Dean's are every townhouse is on its own lot. Yours has 6 condos on one lot.

Is that it for discussions on Chesapeake Village? Yes. So you will be back again to see us. There will be more people in the audience at the scheduled meeting so there will be probably be more questions. But, I think the planning board is pretty comfortable with everything.

Discussion on delegation of approvals to Town Administrator for fences and sheds not transcribed.

Adjourn

**CHESAPEAKE CITY PLANNING COMMISSION  
REGULAR MONTHLY MEETING**

Minutes for  
January 2, 2008  
6:30 pm

Harry Sampson  
Frank Hill, Chair  
Lee Hutton  
Bill Miners  
Rich Taylor  
Tom Wheeler  
Bill Wilkers, Zoning Inspector

Frank Hill brought the meeting to order at 6:30pm

**Approval of the minutes from December 5, 2008**

Rich Taylor made the motion to accept the minutes with corrections to item #2. Lee Hutton 2<sup>nd</sup>, .

**Vote: Aye – All in favor**

**Nay – 0**

**Motion carried.**

**Announcements**

1/17 Hearing – Appeals Board 6:00 pm

1/31 Hearing - Appeals Board – Canal House Increase downstairs seating 6:00 pm.

**ACTION ITEMS**

1. Appoint Chairperson and Vice Chairperson to Chesapeake City Planning and Zoning Commission..

**Lee Hutton made the motion to nominate Frank Hill to the position of Chairperson of Planning and Zoning. No second.**

**Tom Wheeler made the motion to nominate Bill Miners to the position of Chairperson of Planning and Zoning. Harry Sampson 2<sup>nd</sup>.**

**Vote: Aye – 4 in favor.**

**Nay – 0**

**Abstain - 1**

**Motion carried.**

**Rich Taylor made the motion to nominate Lee Hutton to the position of Vice Chairperson of Planning and Zoning. Bill Miners 2<sup>nd</sup>**

**Vote: Aye – All in favor**

**Nay – 0**

**Motion Carried**

2. **317 George Street** – No application for accessory apartment. Applied to Appeals Board.

**No recommendation from Planning and Zoning.**

3.. **105 George Street**. – Installation of brick pillars into existing fence line. Installation of brick paver patio, brick seat wall and pillars as seen on plot plan. Brick will match existing brick wall

**Lee Hutton made the motion to accept with contingency that applicant provide dimensions to match scale of drawing. Tom Wheeler 2<sup>nd</sup>.**

**Vote: Aye – All in Favor**

**Nay – 0**

**Motion carried**

4. **Planning and Zoning recommendations to fill open seat. Frank will submit letter to Council recommending Nick Vissar as a Planning and Zoning Commission member.**

5. **Chesapeake Village request to amend the concept and Preliminary Plans.**

**Bill Miners made the motion: The Concept and Preliminary Plans be approved as presented, with the understanding that the number of units not exceed 150 units and that all Zoning Ordinances be followed and are subject to the normal Appeals process. Tom Wheeler 2<sup>nd</sup>.**

**Vote: Aye – All in Favor**

**Nay – 0**

**Motion Carried.**

**ADJOURN: Lee Hutton made the motion. Tom Wheeler 2<sup>nd</sup>.**

**Vote: All in favor.**

**Motion Carried.**